

REMARKS

This Amendment is submitted in response to the Office Action dated June 4, 2003. Applicants have amended Claims 131 to 135, 138, 139, 142, 143, 147, 150, 153, 156, 159, 167 to 171, 174, 177, 178, 182, 185, 188, 191, 194, 197 to 199, 201, 202, 207, 208, 210, 211, 214, 215, 220 and 221. Applicants have canceled Claims 162 to 166, 204 to 206, 209, and 217 to 219 without prejudice or disclaimer. No new matter has been added to the Claims. A Petition for a three-month extension of time to respond to the Office Action is submitted herewith. A check in the amount of \$950.00 is submitted herewith to cover the cost of the three-month extension of time. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

Claim Rejections – 35 U.S.C. §102

The Office Action rejected now renumbered Claims 131 to 143, 162 to 166, 167 to 178, 197 to 202, 210 to 211 and 215 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,309,299 to Weiss ("Weiss").

Weiss

Weiss discloses a gaming device which has a bonus game which displays a sector-grid. The bonus game includes nautical icons, such as battleships, positioned at various locations on the sector-grid. In one embodiment, these icons are displayed on the sector-grid. When the player reaches a predetermined combination of symbols on the reels of Weiss, the gaming device causes the ordinance to fire a shot at the sector-grid, either hitting or missing one of the battleships.

In another embodiment, these battleships are hidden from view. In describing this embodiment, Weiss states that:

The player selects a sector to receive ordinance using either a touch screen or my manipulating the buttons 16. Should the nautical vessel be located at the chosen sector grid, a starburst impact 30 will occur. A miss would preferably appear as marker 32. Since the vessels have various dimensions, a number of proximate hits may be required to sink the vessel, particularly a large vessel like an aircraft carrier. The bonus round preferably limits the number of tries (shots)

a player can take. After the bonus round, a recap such as seen in Fig. 3 is provided followed by an award. (Weiss, Column 5, Lines 36 to 46).

The Office Action states that Weiss discloses "generating a sound effect associated with said predetermined proximity/distance when one of said non-targets/non-pitfalls selected is within said predetermined proximity/distance." However, based on Applicants' review, Weiss discloses no sound effects for these games other than stating that "an audio simulation "tracks" the events by providing sound effects of bombs in flight and landing." (Weiss, Column 4, Lines 18 to 20). In particular, Weiss does not disclose a plurality of different sound effects associated with a plurality of different proximities or distances from the target. Moreover, Weiss does not disclose generating one sound effect associated with one proximity to a target or pitfall and generating a different sound effect associated with a different proximity to the target or pitfall.

Applicants have cancelled independent Claims 162, 204 to 206, and 217 to 219 without prejudice or disclaimer. Also, Applicants have amended independent Claims 131, 142, 147, 150, 153, 156, 159, 167, 177, 182, 185, 188, 191, 194, 197, 202, 207, 208, 210, 215, 220 and 221 to include this proximity element. Independent Claims 144, 179, 203 and 216 already include this proximity element and, therefore, were not amended. Accordingly, all of the independent Claims submitted herewith include this proximity or distance element among other elements. For this reason, Applicants respectfully submit that the Claims submitted herewith are patentably distinguished over Weiss.

Tsukahara

Tsukahara discloses a gaming device which operates different types of bonus games. Tsukahara's gaming device includes a plurality of sound effect patterns. To maintain interest in the players, when a new game is initiated, the gaming device randomly selects and plays one of the sound effect patterns. Based on Applicants' review, Tsukahara does not disclose a target or a non-target. For this reason, Applicants respectfully submit that Tsukahara does not anticipate the invention defined by the Claims submitted herewith.

Claim Rejections – 35 U.S.C. §103

The Office Action rejected now renumbered Claims 144 to 146, 179 to 181, 203 and 216 under 35 U.S.C. §103 as being unpatentable over Weiss in view of U.S. Patent No. 6,311,982 to Lebensfeld et al ("Lebensfeld").

Also, the Office Action rejected now renumbered Claims 156 to 161, 191 to 196, 198, 200, 201, 208 and 221 under 35 U.S.C. §103 as being unpatentable over Weiss in view of The Price is Right – Pricing Games Three Strikes ("Price Is Right Three Strikes").

Lebensfeld

Lebensfeld discloses a toy set for children. The toy set includes a plurality of toys having transmitters and a portable toy having a receiver. In operation, one child hides the toys with the transmitters in a play area of finite boundaries. (Lebensfeld, Column 1, Lines 14 to 16). Another child tries to locate the hidden toys with the aid of the portable toy. Depending upon the strength of the signal received from the hidden toys, the portable toy produces a message such as, "We are getting close" or "Let's keep looking." (Lebensfeld, Column 6, Lines 59 to 67 and Column 7, Lines 1 to 2). The searcher is in control of whether he/she finds the hidden toys. Given enough time, the searcher will be able to locate the hidden toys in the finite play area. Depending upon the searcher's skill, it may take more time or less time to locate the hidden toys.

Incompatibility of Weiss and Lebensfeld for Obviousness Rejection

The present invention, as defined by each of the independent Claims submitted herewith, includes an wager element among other elements. Similarly, Weiss is directed to instrumentalities and methodologies for wagering in a casino environment (Weiss, Column 1, Lines 6 to 7). Applicants submit that if the teachings of Lebensfeld were applied to Weiss, Weiss would not to function for its intended purpose. This is because, if the teachings of Lebensfeld were applied to Weiss, Weiss' gaming device would generate a continuous signal or indicator associated with each target battleship. Furthermore, Weiss would be modified to enable the player to search or move across the entire sector-grid while hearing "We are getting close" and "Let's keep looking" type

sounds. With this sound aid, the player would be able to locate the targets, thereby completely controlling the player's award. Such a gaming device would not be suitable for games of wager because the gaming facilities would not be able to control the payout. Accordingly, Applicants respectfully submit that the combination of Weiss and Lebensfeld is an improper basis for a rejection under 35 U.S.C. §103.

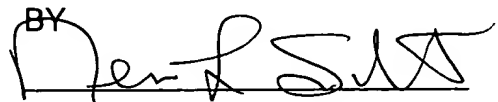
Price Is Right Three Strikes

The Price Is Right Three Strikes discloses a game in which the player has three chances to draw a winning number from a bag. Price Is Right Three Strikes does not disclose, teach or suggest sound effects. In particular, the Price Is Right Three Strikes does not disclose a plurality of different sound effects associated with a plurality of different proximities or distances from the target, that is, the winning number in the bag. Moreover, Price Is Right Three Strikes does not disclose generating one sound effect associated with one proximity to a target or pitfall and generating a different sound effect associated with a different proximity to the target or pitfall. Because neither Weiss nor the Price Is Right Three Strikes discloses, teaches or suggests such sound effects, Applicants respectfully submit that the Claims submitted herewith are patentable over the combination of Weiss and the Price Is Right Three Strikes.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact Applicants' attorney, Renato L. Smith, to discuss this Response.

Respectfully submitted,

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